

### **REMARKS**

Claims 1-17, 20-31, 33-41, 44-55, 58-69 and 72-100 are pending. The Office action allowed claims 1-3, 5, 7, 9, 10, 14, 15, 22, 26, 27, 33-41, 44-55, 58-69, 72-78, and 83-100. The Office action indicated claims 20, 21, 23, 24, 28, 29, and 79-82 would be allowable if all of the limitations of the base claim and any intervening claims. Applicants respectfully traverse and request reconsideration.

As a preliminary matter, the Benedetti reference in the current anticipation rejection was previously overcome in a previous office action dated December 28, 2007 and February 9, 2007 and others, yet the current office action again uses the Benedetti reference in an anticipation rejection. Further, the Office Actions dated October 28, 2009 and March 19, 2008 acknowledge and admits that Benedetti does not disclose where the spring comprises a relief opening. However, the current office action contradicts this admission. The assertion in this office action that any claims are now anticipated, should be withdrawn at least in view of the arguments overcoming a similar anticipation rejection in view of Benedetti on December 28, 2007.

The office action dated December 28, 2007 on page 18 indicated that claim 32 (relief opening) would be allowable if amended to include all of the limitations of the base claim (claim 11). In reliance to this statement, and to advance prosecution, claim 11 was amended to include the limitations of claim 32, however subsequent office actions withdrew such allowability and as such claim 11 restored by amendment to remove the limitations of claim 32. Previous similar efforts were made to advance prosecution of this case, such as those made in reliance on the office action of February 9, 2006 indicating claims would be allowed if amended, however subsequent office actions again withdrew allowability of those claims, further prolonging allowance despite extensive prosecution. The undersigned reserves the right to pursue the claims

not allowed in this case in a continuation application and again repeat the arguments made in previous responses.

### **Claim Rejections – 35 USC §102**

The Office Action rejects claims 4, 6, 8, 11, 12, 16, 17 and 25 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,402,118 (Benedetti).

The above arguments with regard to Benedetti are repeated as well as those made in the relevant previous office actions. According to the office action on page 3, “an engagement region **substantially flat** engagement region with a hindrance portion (region of the engagement spring between 46 and the free end of the spring 34 ...)” (Emphasis added). Thus the office action acknowledges that the spring between 46 and the free end of the spring 34 is flat. Further, the office action reproduces fig. 4 from Benedetti and points to a flat surface on the spring to show “ripple formed by a depression (curved portion of the hindrance). In contrast to the drawings showing the spring a flat region, the office action asserts “[T]he hindrance portion comprises only one ripple (defined by the recess between 46 and the free end of the spring 34 ...).” Benedetti teaches the lead portions 50,52 “permitting the clip to pass onto the projection.” (Benedetti Col. 3 lines 39-40). Thus, Benedetti explicitly shows a flat region in direct contradiction to the assertion in the office action that the flat region is a ripple. For at least these reasons, the Office Action fails to show how Benedetti teaches each and every element as arranged in the claims. Therefore, the Office Action fails to establish how Benedetti anticipates the claims. Thus, the rejection should be withdrawn.

## **Claim Rejections – 35 USC §103**

### **Claims 2, 8, and 13**

The Office Action on page 8 rejects claims 2, 8, and 13 under 35 U.S.C. § 103(a) as being unpatentable based on US Patent No. 4,402,118 (Benedetti).

The Office Action acknowledges that Benedetti does not disclose where the spring comprises a relief opening. Applicants repeat the relevant arguments made above and in previous office actions including those made in the response to the office action dated June 4 2007. For example, the office action points to Fig. 4 of Benedetti at a smooth portion with constant thickness and labels the curved portion “Ripple formed by a depression (curved portion of the hinderance).” However, Benedetti instead shows merely a smooth portion having the same thickness rather than, among other things, a depression. The assertion that Benedetti shows a depression in Fig 4 as reproduced in the office action is directly contradicted by the very same figure showing the thickness of the spring as having a constant thickness rather than, among other things, a depression. Therefore, the combination of Benedetti and Holton as asserted fails to teach, among other things, the hindrance portion comprising only one ripple having the form of a depression, the depression having a deepest part, a back side substantially lacking a front side, and a width, the hindrance portion further having a surface, wherein the depth of the ripple is the distance between the surface of the hindrance portion and the deepest part of the ripple. As a result, the office action fails to establish a prima facie case of obviousness.

The Office Action on page 5 similarly rejects claims 4, 6, 11, 12, 16, 17, 25, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable based on US Patent No. 6,928,705 (Osterland).

Applicants repeat the relevant arguments above and those made in previous office actions including those made in the response to the office action dated June 4 2007. For example, as with Benedetti above, the Office Action fails to show where Osterland as cited teaches, among other things, a depression and further fails to show: one ripple having the form of a depression, the depression having a deepest part, a back side substantially lacking a front side, and a width, the hindrance portion further having a surface, wherein the depth of the ripple is the distance between the surface of the hindrance portion and the deepest part of the ripple. The office action points to Fig. 4 of Osterland at a spring with constant thickness and labels the curved portion “Substantial Flat Engagement Region (Hinderance Portion).” However, Osterland instead shows merely a spring having the same thickness rather than, among other things, a depression. The assertion that Osterland shows a depression in Fig 4 shown in the office action is directly contradicted by the very same figure showing the thickness of the spring as having a constant thickness rather than, among other things, a depression. Therefore, Osterland as asserted fails to teach, each and every element as arranged in the claims. As a result, the office action fails to establish a prima facie case of obviousness.

Regarding the dependent claims, the dependent claims depend on independent claims 1, 11, 32, 33, 38, 47, 52, 61, 66, 75 and 76 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that now the claims are in condition for allowance, and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney at 708-588-0948 to advance prosecution of this case.

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